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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,298	02/25/2002	Laurent Nivet	P07520US00/DEJ	8068

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,298

Applicant(s)

NIVET, LAURENT

Examiner

Joseph F Edell

Art Unit

3636

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 July 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 14 July 2003. These drawings are not acceptable. The drawings are objected to because Figure 2 fails to adequately show the features of the flow diagram with respect to the "back rest stopped?" (127) and "stoppage of foot rest" (118). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said actuating step" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,587 to Kodaverdian.

Kodaverdian discloses a seat that includes all the limitations recited in claims 1-7 and 9, as best understood. Kodaverdian shows a seat having a squab 12 (Fig. 1), an articulating back rest 14 (Fig. 1), an articulating leg rest 16 (Fig. 1), a moveable foot rest 18 (Fig. 1), a means for actuating a first actuator 26 (Fig. 1) in one direction for a first predetermined duration, an automatic means of actuating a second actuator 36 (Fig. 1) for a second predetermined duration in a given direction and then in an opposite direction when the first actuator is actuated; wherein the current position of the second actuator is measured and stored, and the second actuator is instructed to stop or drive based on a variable characteristic dependent on a predetermined control instruction (see column 5, lines 33-67 and column 6, lines 1-62). The description of the seat inherently discloses the method of managing the kinematics of the seat.

6. Claims 1-11, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,194,853 B1 to Tual et al.

Tual et al. disclose a seat that includes all the limitations recited in claims 1-11, as best understood. Tual et al. show a seat having a movable squab 22 (Fig. 1), an

articulating back rest 24 (Fig. 1), an articulating leg rest 26 (Fig. 1), a moveable foot rest 28 (Fig. 1), a first actuator 34,36 (Fig. 1) adapted for conjoint movement of the back rest and of the squab by lowering the squab when the back rest is raised up, and a second actuator 30,32 (Fig. 1) for moving the leg rest with respect to the squab or the foot rest with respect to the leg rest wherein the current position of the second actuator is measured and stored. The first actuator has a means of actuating in one direction for a first predetermined duration, and the second actuator has an automatic means of actuating for a second predetermined duration in a given direction and then in an opposite direction when the first actuator is actuated wherein the second actuator is instructed to stop or drive based on a variable characteristic of force produced current intensity consumed (see column 5, lines 13-37). The description of the seat inherently discloses the method of managing the kinematics of the seat.

Response to Arguments

7. Applicant's arguments filed 14 July 2003 have been fully considered but they are not persuasive. Applicant argues that neither Kodaverdian nor Tual et al. disclose a method of managing the kinematics of a seat including a step wherein a first actuator is actuated and a step wherein a second actuator is always actuated in a given direction and then in an opposite direction to the given direction. However, this limitation is met by both references when the seat is actuated from a reclined position to an upright position. With respect to Kodaverdian, the first actuator actuates the backrest and the second actuator actuates both the leg rest and footrest. Under the initial conditions

wherein the leg rest is partially extended at an angle less than value Θ , when the user actuates the first actuator to adjust the back support and actuates the second actuator to extend the footrest then the second actuator will always actuate the second actuator to a given (extend) direction and then automatically actuate in an opposite (retraction) direction. The steps of the first and second actuators will always occur under the initial conditions so as to avoid damage to the seat parts, thus meeting the limitations of amended claims 1 and 9, as best understood. With respect to Tual et al., when the user desires to adjust the seat from a reclined position wherein the backrest is reclined, the leg rest is elevated, and the footrest is displaced outwardly; then the user activates the actuators using the control interface. As the first actuator actuates the backrest, the second actuator actuates the footrest in a given direction and actuates the footrest in an opposite direction if the control interface detects that an intensity amount is exceeded. The steps of the first and second actuators will always occur under the initial conditions so as to avoid damage to the footrest, thus meeting the limitations of amended claims 1 and 9, as best understood. If the applicant is attempting to amend the claim 1 and 9 in order to limit the method such that the second actuator always actuates in a given direction and then in an opposite direction irrelevant of the initial conditions of the seat, then even the instant application would not meet the claim limitations of 1 and 9. In the instant application, the second actuator actuates in a given direction and then in an opposite direction only when a set of tests from the controller determines that the position of the footrest exceeds a predetermined limit. For example, if the footrest is in a semi-retracted position and the user desires to elevate the backrest and lower the leg

rest only a small margin, then the first actuator actuates the backrest to elevate the backrest and the second actuator shall actuate the leg rest and footrest in a given direction without having to actuate in an opposite direction because the tests implemented by the controller did not result in a failure condition.

Conclusion


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Art Unit: 3636

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE
October 6, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600